

**DOCKET**

**10/17/2019**

**METROPOLITAN BOARD OF ZONING APPEALS  
P O BOX 196300  
METRO OFFICE BUILDING  
NASHVILLE, TENNESSEE 37219-6300**

**Meetings held in the Sonny West Conference Center  
Howard Office Building, 700 2nd Avenue South**

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**MS. CYNTHIA CHAPPELL  
MS. ASHONTI DAVIS  
MS. CHRISTINA KARPYNEC  
MR. ROSS PEPPER, Vice-Chair  
MS. ALMA SANFORD  
MR. DAVID TAYLOR, Chairman  
MR. TOM LAWLESS**

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**PREVIOUSLY HEARD CASES REQUIRING BOARD ACTION**

**Case 403-** (1025 9<sup>th</sup> AVE. S.) Item A appeal challenging the issuance of permit 2019012290. Previously heard on 10/3/19, failed to receive four affirmative votes.

**Case 441-** (4483 HEATH RD.) Request for special exception to operate a rural bed and breakfast homestay. Previously heard on 10/3/19, failed to receive four affirmative votes.

**CASES DEFERRED HEARD FROM PREVIOUS MEETING**  
**DUE TO LOSS OF QUORUM**

**CASE 2019-442 (Council District - 8)**

**ANDREW WOTHERS**, appellant and **BATES, JOE W. & JANIE T.**, owners of the property located at **602 CREATIVE WAY**, requesting a variance from parking requirements in the RM20-A District, to construct a 184-unit apartment complex. Referred to the Board under Section 17.20.030. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Apartment Complex

Map Parcel 05100005900

**RESULT -**

**CASE 2019-444 (Council District - 24)**

**LAIRD, DAVID & HEEJUNG**, appellants and owners of the property located at **101 48TH AVE N**, requesting variances from front and rear setback requirements and sidewalk requirements in the RS7.5 District, to construct a new single-family residence using the existing footprint and adding 900 square feet without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.12.020 A. & 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 10303026300

**RESULT -**

**CASE 2019-448 (Council District - 20)**

**SEGAL, MATTHEW & TARA WORTHEY**, appellants and owners of property located at **5501 A NEW YORK AVE**, requesting a special exception in the MUN District, to construct two additional residential units. Referred to the Board under Section 17.12.035 D.1. The appellant alleged the Board would have jurisdiction under Section 17.40.180 C.

Use-Multifamily Residential

Map Parcel 09102029800

**RESULT -**

**SHORT TERM RENTAL CASES DEFERRED FROM PREVIOUS MEETING  
DUE TO LACK OF QUORUM**

**CASE 2019-402 (Council District - 21)**

**ABUQAYAS, MOHAMMED**, appellant and owner of the property located at **1525 12TH AVE N**, requesting an Item A appeal, challenging the zoning administrator's denial of a short-term rental permit. Appellant operated prior to obtaining the legally required short term rental permit in the RS5 District. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Short Term Rental

Map Parcel 08112018700

**RESULT -**

**CASE 2019-428 (Council District - 7)**

**CRESSMAN, JONATHAN K.**, appellant and owner of the property located at **311 MCKENNEL DR**, requesting an Item A appeal, challenging the zoning administrator's denial of a short-term rental permit. Appellant operated after the issued STRP permit expired. in the R10 District. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 08304024700

**RESULT -**

**CASE 2019-431 (Council District - 6)**

**JENKINS, JASON & NIEHOFF, MATTHEW**, appellants and owners of the property located at **1403 RUSSELL ST**, requesting Item A appeal, challenging the zoning administrator's denial of a short-term rental permit. Appellant operated after the issued STRP permit expired in the R6 District. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 08313027400

**RESULT -**

**NEW CASES TO BE HEARD**

**CASE 2019-376 (Council District - 21)**

**SOUTHEAST VENTURE**, appellant and **BREAUX, DARRELL & LINDA**, owners of the property located at **3214 CHARLOTTE AVE**, requesting variances from setback and control plane requirements in the CS District, to construct a multi-family development. Referred to the Board under Section 17.12.020 C. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Multi-Family

Map Parcel 09209037800

**RESULT –**

**CASE 2019-388 (Council District - 10)**

**ANDY RALEY**, appellant and **WASTE MANAGEMENT, INC. OF TENNESSEE**, owner of the property located at **630 MYATT DR**, requesting a variance from sidewalk requirements in the IR District, to conduct interior and exterior improvements to an existing facility without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Recycling Facility

Map Parcel 03410012400

**RESULT -**

**CASE 2019-404 (Council District - 1)**

**HELENE HARVEY**, appellant and **BROWN, KENNETH M. & KAREN R.**, owners of the property located at **4341 PECAN VALLEY RD**, requesting a special exception to open a daycare facility and a variance to operate within an existing structure in the AR2A District. Referred to the Board under Section 17.16.040 A.8.a. and 17.16.035 A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B and C.

Use-Day Care

Map Parcel 05600002400

**RESULT -**

**CASE 2019-415 (Council District - 21)**

**JAY FULMER**, appellant and **1900 WARNER PARTNERS, LLC**, owner of the property located at **627 19TH AVE N**, requesting a variance from rear setback requirements to construct a medical office building in the IR District. Referred to the Board under Section 17.12.020 D. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Medical Office

Map Parcel 09207033400

**RESULT -**

**CASE 2019-422 (Council District - 11)**

**BVC OAKWOOD COMMONS, LLC**, appellant and owner of the property located at **4730 LEBANON PIKE**, requesting a variance from sidewalk requirements in the R10 District, to make interior renovations without building sidewalks or paying into the sidewalk fund. Referred to the Board under Section 17.20.120. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Commercial Rehab

Map Parcel 06416005900

**RESULT -**

**CASE 2019-449 (Council District - 20)**

**MERIDIAN CONSTRUCTION COMPANY, LLC**, appellant and owner of the property located at **705 RIES AVE**, requesting a variance from minimum lot size requirements in the R8 District, to construct two single family residences on one parcel. Referred to the Board under Section 17.12.020 A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family

Map Parcel 09105004000

**RESULT -**

**CASE 2019-451 (Council District - 21)**

**RUSSELL, CLAUDIA F. & MICHAEL A. SR & CHELSEA D**, appellants and owners of the property located at **2715 MORENA ST**, requesting an Item A appeal challenging the zoning administrator's denial of a permit for a duplex to convert a single-family residence into a two-family residence in the RS5 District. Referred to the Board under Section 17.16.030 D. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A

Use-Single Family

Map Parcel 09206013300

**RESULT -**

**CASE 2019-452 (Council District - 17)**

**MORSHEAD, ROBYN L**, appellant and owner of the property located at **811 HORNER AVE**, requesting a variance from minimum lot size requirements in the R10 District, to construct a two-family residence on one parcel. Referred to the Board under Section 17.12.020 A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 11802015600

**RESULT -**

**CASE 2019-455 (Council District - 2)**

**STRADER, MATTHEW**, appellant and owner of the property located at **1225 BRICK CHURCH PIKE**, requesting a special exception to construct an addition to an existing kennel in the CL District. Referred to the Board under Section 17.16.175 A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 C.

Use-Kennel

Map Parcel 07110015500

**RESULT -**

**CASE 2019-457 (Council District - 31)**

**PATSY CLAUDE**, appellant and **CLAUDE, PATSY SUE, TRUSTEE**, owner of the property located at **6210 NOLENSVILLE PIKE**, requesting an Item A appeal challenging the zoning administrator's denial of a permit to continue the use of an existing structure as a 4-unit apartment in the AR2A District. Referred to the Board under Section 17.40.520. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Multi-Family

Map Parcel 17300006300

**RESULT -**

**CASE 2019-458 (Council District - 5)**

**DUANE CUTHBERTSON**, appellant and **MARIANI, MARC**, owner of the property located at **915 RAMSEY ST**, requesting a variance from height plane restrictions in the RM20 District, to construct a multi-family unit. Referred to the Board under Section 17.12.020 B. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Multi-Family

Map Parcel 082120Y00300CO

**RESULT -**

**CASE 2019-459 (Council District - 24)**

**DUANE CUTHBERTSON**, appellant and **DORRIS, DAVID & STEWART, ANDREW**, owners of the property located at **4513 IDAHO AVE**, requesting a variance from side street setback requirements in the RS7.5 District, to construct two single-family residences. Referred to the Board under Section 17.12.030 A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Two-Family

Map Parcel 10304004100

**RESULT -**

**CASE 2019-460 (Council District - 28)**

**DUANE CUTHBERTSON**, appellant and **APPALACHIAN LAND & LEASING COMPANY, LLC**, owner of the property located at **335 HARDING PL**, requesting a variance from screening wall requirements in the CS District, to construct a car wash. Referred to the Board under Section 17.16.070 J.1.a. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Car Wash

Map Parcel 13414003700

**RESULT -**

**CASE 2019-462 (Council District - 33)**

**BAKER DONELSON**, appellant and **KIRKLAND FINANCIAL LLC**, owner of the property located at **2045 HAMILTON HILL DR**, requesting a variance from rear setback requirements in the SP District, to maintain an existing residence constructed under permit numbers 2018009627 and 201934133. Referred to the Board under Section 17.12.020. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 164030A05200CO

**RESULT -**

**CASE 2019-463 (Council District - 17)**

**MYRA FINLLEY**, appellant and **RISEING SUN PROPERTIES, LLC**, owner of the property located at **1004 ACKLEN AVE**, requesting a variance from side setback requirements in the R8 District, to construct an attached deck to a single-family residence. Referred to the Board under Section 17.12.020 A. The appellant alleged the Board would have jurisdiction under Section 17.40.180 B.

Use-Single Family

Map Parcel 10509032200

**RESULT -**



**SHORT TERM RENTAL CASES**

**CASE 2019-450 (Council District - 17)**

**TARAL PATEL**, appellant and **S-SQUARED INVESTMENTS, LLC**, owner of the property located at **1008 11TH AVE S**, requesting an Item A appeal, challenging the zoning administrator's denial of a short-term rental permit. Appellant operated after the issued STRP permit expired in the RM20 District. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 105014A04400CO

**RESULT -**

**CASE 2019-454 (Council District - 6)**

**JACOBY, MATTHEW**, appellant and owner of the property located at **2657 BARCLAY DR**, requesting an Item A appeal, challenging the zoning administrator's denial of a short-term rental permit. Appellant operated after the issued STRP permit expired in the R10 District. Referred to the Board under Section 17.16.250 E. The appellant alleged the Board would have jurisdiction under Section 17.40.180 A.

Use-Short Term Rental

Map Parcel 08316004500

**RESULT -**